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# **The Solicitors Qualification Examination: Something for All? Some Challenges Facing Law Schools in England and Wales**

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## **Abstract**

The forthcoming changes to the solicitors' training regulations in England and Wales, which include the proposed introduction of the Solicitors Qualifying Examination (SQE), whilst generally considered to be unwelcome based on consultation responses and feedback from various stakeholders, present a perfect opportunity for law schools to reconsider the way in which the law degree curriculum is structured and delivered. In the competitive, marketised world of higher education, there are institutions who will undoubtedly see the changes as an opportunity to increase student numbers by making their law degree attractive to those students wanting to be 'SQE ready', possibly for both stages of the proposed examination. Others may wonder what all the fuss is about and continue to deliver the curriculum without regard to the proposed changes and rely on other providers to prepare aspiring solicitors for the new style centrally assessed examinations. In terms of regulation, the changes have been described as 'light touch' and the academy is being left to consider which direction it intends to take regarding curriculum development. This article briefly considers the current approaches to legal education (focusing mainly on the law degree) in England and Wales, what the new qualification changes mean and the possible response to those changes in the development and delivery of an enlightened contextual curriculum which could provide broad appeal. The challenges and viability of such a progressive approach are recognised and considered.

## **Introduction**

Whilst under the current regulations the Qualifying Law Degree (QLD) in England and Wales has required law students wishing to qualify as solicitors to demonstrate competence in the foundational subjects<sup>1</sup> during the academic stage of their study (through a range of variously flexible assessment methods), law schools have arguably been allowed a certain amount of latitude in the way the law degree is taught. There has been space for a liberal education approach espousing the traditional view of what the academy can and should promote, such valuable exercises as questioning, enquiring, challenging and not accepting the world as it might appear, have all been endorsed to varying degrees. The idea that the objective of a liberal law curriculum is not to see that students have acquired particular factual information, but, rather, to allow them to understand the structures and values that pervade and underpin law as seen by Bradney.<sup>2</sup>

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<sup>1</sup> The Foundations of Legal Knowledge are: Public Law, including Constitutional Law, Administrative Law and Human Rights; Law of the European Union; Criminal Law; Obligations including Contract, Restitution and Tort; Property Law; and Equity and the Law of Trusts. See the Joint Statement issued in 1999 by the Law Society and the General Council of the Bar on the completion of the initial or academic stage of training by obtaining an undergraduate degree <<https://www.sra.org.uk/students/academic-stage.page>> accessed 11 July 2018.

<sup>2</sup> Anthony Bradney, *Conversation, Choices and Chances: The Liberal Law School in the Twenty-First Century* (Hart Publishing 2003).

Some law degrees have also included elements of socio-legalism, and whilst Ashford and Guth maintain that there is no clear definition of what this is,<sup>3</sup> attempting a description of how this might appear within a law degree would arguably need the inclusion of a requirement to think critically, the facilitation of contextual knowledge acquisition, the learning of what law 'is all about' and not just 'what law is',<sup>4</sup> all of which are components that could help understand the term. Other, perhaps more traditional law schools, have taught the law degree doctrinally, requiring law students to learn what the stated law is or, in other words, the black letter law and to understand the substantive law and associated legal principles.<sup>5</sup> Educators in these institutions have often adopted the Langdellian method<sup>6</sup> involving case law deconstruction and analysis, an approach which has often been delivered didactically. The doctrinal approach has therefore most commonly required law to be learnt by rote and is perhaps best exemplified by the way the subject is taught in England and Wales on Graduate Diploma (GDL)<sup>7</sup> courses to those non-law graduates wanting to transition onto a legal career pathway.

In some of the more enlightened law schools, a place has been found to include elements of practical or experiential legal education within the academic stage at undergraduate level, and sometimes for academic credit. Within these institutions not only has the acquisition of practical legal skills (including legal research), been incorporated into the curriculum, but opportunities are provided for students to learn how to perform practical legal tasks such as drafting letters and documents, negotiating and interviewing. In some instances these law schools have facilitated this knowledge and skills acquisition process through students' exposure to the world of 'real law' through clinical legal experience.

As we now prepare ourselves for a 'brave new world' of training regulation for students seeking admission as solicitors, the current Solicitors Regulation Authority's (SRA) proposals now looking increasingly more like reality than not, the academy is presented with challenges in how the undergraduate law degree will be delivered; what to teach, how to teach it and if the SQE Assessment Specification<sup>8</sup> syllabus as currently presented is to be adopted, how to include it all.

## Training for Tomorrow: The Response to LETR

As part of its Training for Tomorrow<sup>9</sup> initiative, published in response to the report of the Legal Education and Training Review (LETR)<sup>10</sup>, the SRA's training goal is to ensure 'day one

<sup>3</sup> Anne Bottomley, 'Lessons from the Classroom: Some Aspects of the 'Socio' in 'Legal' Education' in Philip A Thomas (ed), *Socio-Legal Studies* (Dartmouth Publishing 1997); Roger Cotterrell, 'Subverting Orthodoxy, Making Law Central: A View of Socio-legal Studies' (2002) 29 *Journal of Law and Society* 632; ESRC, *Review of Socio-Legal Studies: Final Report* (ESRC 1994); Denis J Galligan, 'Socio-Legal Studies in Context: The Oxford Centre Past and Present, Introduction' (1995) 22 *Journal of Law and Society* 1; Paddy Hillyard, 'Invoking Indignation: Reflections on Future Directions of Socio-Legal Studies' (2002) 29 *Journal of Law and Society* 645; and Paddy Hillyard, 'Law's Empire: Socio-Legal Empirical Research in the Twenty-First Century' (2007) 34 *Journal of Law and Society* 266, cited in Jessica Guth and Chris Ashford, 'The Legal Education and Training Review: Regulating Socio-Legal and Liberal Legal Education?' (2014) 48 *Law Teacher* 5, 6.

<sup>4</sup> Andrew Sanders, 'Poor Thinking, Poor Outcome? The Future of The Law Degree After The Legal Education and Training Review and The Case For Socio-Legalism' in Hilary Sommerlad, Sonia Harris-Short, Steven Vaughan and Richard Young (eds), *The Futures of Legal Education and the Legal Profession* (Hart Publishing 2015) 168.

<sup>5</sup> "Black letter" according to Twining refers to black or Gothic type which was often used in formal statements of principles or rules at the start of a section, typically followed by a commentary; William Twining, *Blackstone's Tower: The English Law School* (Stevens & Sons /Sweet & Maxwell 1994) 141 and 151 (footnote).

<sup>6</sup> Christopher Columbus Langdell is considered to be the leading proponent of the case method approach to the study of law.

<sup>7</sup> The Graduate Diploma in Law or law conversion course.

<sup>8</sup> Solicitors Qualifying Examination, Draft Assessment Specification, published in June 2017 is available to be downloaded at <<https://www.sra.org.uk/sra/policy/sqe/research-reports.page>> accessed 10 April 2018.

<sup>9</sup> See the SRA's website for its programme of education and training reform as articulated in its policy statement "Training for Tomorrow" at <<http://www.sra.org.uk/sra/policy/training-for-tomorrow.page>> accessed 12 June 2018.

<sup>10</sup> Julian Webb, Jane Ching, Paul Maharg and Avrom Sherr, *Legal Education and Training Review (LETR), Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales* (Legal Education and Training Review 2013) <<http://www.lettr.org.uk/the-report/index.html>> accessed on 15th June 2018.

competence' for solicitors. The training initiative includes the Competence Statement,<sup>11</sup> which is divided into three parts: the Statement of Solicitor Competence, the Threshold Standard and the Statement of Legal Knowledge.<sup>12</sup> It is the third of these upon which this article proposes to focus, as the Statement of Legal Knowledge sets out the knowledge that solicitors are required demonstrate at the point of qualification and this is mapped to the Draft Assessment Specification published in June 2017.<sup>13</sup> The SQE has been designed to establish the competence of candidates by the time they qualify as solicitors. Therefore all candidates who have passed the SQE will have demonstrated the competences specified in the Statement of Solicitor Competence (SoSC) to the standard expected of a newly qualified solicitor as set out in the SRA's Threshold Standard.<sup>14</sup>

The new training regulation proposals for solicitors are not prescriptive. They do not intentionally constrain curriculum development or prescribe delivery in any particular way. This is 'light touch' regulation (according to the SRA), as the academy will be left to decide how to deliver the proposed syllabus. Out will go the Qualifying Law Degree and, because The Bar Standards Board (BSB) have not adopted the proposed changes in the same way for preparing barristers, the Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training,<sup>15</sup> will have to be amended. Whilst the SRA will not require an entrant into the solicitors branch of the profession to have a degree, the BSB will still insist on a degree (not necessarily a law degree) and it will no doubt be incumbent upon a higher education institution with degree awarding powers, to ensure that the law degree offered satisfies the requirements of the initial or academic stage of training to become a barrister. Incidentally, when the new training requirements for solicitors are implemented, England and Wales will be the only jurisdiction in Europe which does not require a branch of its qualified legal practitioners to have a degree.

The common factor currently applying to a law degree in England and Wales, and arguably one which makes the study of law at degree level distinctive and attractive, is its qualifying status, enabling a law student to study law at a university in order to satisfy the academic stage of training (for both solicitors and barristers) leading to a Qualifying Law Degree (QLD). Whilst the QLD will no longer exist under the new training regime, the standards of achievement expected of students undertaking the course of study are to be set at or above the minimum level of performance as set out in the QAA Benchmark Standards for Law Degrees in England, Wales and Northern Ireland<sup>16</sup> and this will need to be complied with. At present the SRA changes would appear to be in line with what the QAA would expect of a graduate in the subject, in terms of what they might know, do and understand at the end of their studies.<sup>17</sup>

### **The new qualification changes**

Under the new training regime to be launched in September 2020 at the earliest, the SRA will require students seeking admission as solicitors to satisfy four elements. Firstly, they must pass SQE Stages 1 and 2, demonstrating that they have the knowledge and skills set out in the

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<sup>11</sup> Statement of Solicitor Competence (Solicitors Regulation Authority 2015) <<http://www.sra.org.uk/solicitors/competence-statement.page>> accessed 12 June 2018.

<sup>12</sup> Ibid.

<sup>13</sup> See the SRA's draft Assessment Specification <<https://www.sra.org.uk/documents/SRA/news/sqe-draft-assessment-specification.pdf>> accessed 12 June 2018.

<sup>14</sup> Solicitor Competence (n 11).

<sup>15</sup> See (n 1). Also known as the Joint Stage Board (JASB).

<sup>16</sup> Available at: <<http://www.qaa.ac.uk/en/Publications/Documents/SBS-Law-15.pdf>> accessed 12 June 2018.

<sup>17</sup> Ibid 1.

Competence Statement<sup>18</sup> to the standard prescribed in the Threshold Statement;<sup>19</sup> secondly, they must show that they have been awarded a degree or an equivalent qualification, or have gained equivalent experience; thirdly, they must also show that they have completed qualifying legal work experience under the supervision of a solicitor or in an entity under SRA regulation for at least two years (or full-time equivalent); and finally at the point of admission, students will be assessed as to whether they are of satisfactory character and suitability to be admitted as a solicitor according to the regulator's criteria.

The foundational areas of legal knowledge incorporated into the current QLD will be replaced with what the SRA now calls 'functioning legal knowledge' areas. The six areas of functioning legal knowledge proposed for Stage 1 will include; Principles of Professional Conduct, Public and Administrative Law, and the Legal Systems of England and Wales; Dispute Resolution in Contract and/or Tort; Business Law and Practice; Wills and the Administration of Estates and Trusts; Criminal Law and Practice, and finally Property Law and Practice. Each of these areas of functioning legal knowledge will have its own discreet course content which is focused on (legal) knowledge and assessed centrally (not by the university) and by multiple choice questions (MCQs) and/or best answer type questions. At Stage 2, candidates must choose two practice contexts from; Criminal Practice; Dispute Resolution; Property; Wills and the Administration of Estates and Trusts, and Commercial and Corporate Practice. Thereafter students will complete the period of qualifying legal work experience. Currently it is proposed that students will be able to complete the work experience in up to four different work environments including in pro bono organisations, so long as their work is supervised by a solicitor with a current practising certificate or is in a workplace regulated by the SRA.

Of interest here is the fact that whilst the 'light touch' regulation will not prescribe training requirements save for syllabus content,<sup>20</sup> there will however apparently be a league table of Stage 1 SQE pass rates by provider. Although how the SRA proposes to do this remains unclear, particularly as the examinations are assessed centrally and each student will not necessarily have a current university/provider affiliation when they come to sit the exams.

The new syllabus does appear on the face of it to be somewhat forward thinking in the teaching of subjects such as Business Law and Practice, with the aim of no doubt encouraging the development of commercial awareness, and Dispute Resolution in Contract and/or Tort, reflecting prevailing legal services sector attitudes to the resolution of civil disputes. There are omissions however. Notably, there is nothing to suggest that the SQE at either stage will be examining future solicitors on areas of legal practice which assist the disadvantaged; there is no 'poor law' for instance and no requirement, or option, for assessment purposes to study Employment, Human Rights, Immigration, Housing, Family or Welfare Benefits.

In 2013 the LETR committee observed that the calls for reform of the current system of legal education and training were partly a consequence of growing student numbers, escalating costs of qualification and difficulties in finding employment after qualification. The committee further observed that there was the additional complication in that, save for the field of corporate advice and disputes, the background against which reform fell to be considered was one of cuts in the availability of legal aid advice and representation for individuals in the vast majority of civil and family disputes and ever tightening limitations on the availability and

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<sup>18</sup> Solicitor Competence (n 11).

<sup>19</sup> Available at: <<http://www.sra.org.uk/solicitors/competence-statement/threshold-standard.page>> accessed 12 June 2018.

<sup>20</sup> As set out in the Solicitors Qualifying Examination, Draft Assessment Specification (n 8).

funding of criminal legal aid.<sup>21</sup> The continuing 'legal aid desert' prevails and the proposed training changes for solicitors do not include any syllabus requirements to learn about 'social justice' or aspects of law which will be useful for law students choosing to work with the disadvantaged who cannot afford to pay for legal services and have difficulty accessing justice.

### Questions for the Academy

In preparing for the 'SQE', law schools will be required to consider how to position themselves in the ever increasingly competitive market place of legal education provision. Particular considerations for law schools should include an analysis of what proportion of their law students traditionally intend to be admitted as solicitors. They must then decide whether they intend to prepare their students for the centrally set professional examinations. Those that do, should be prepared to 'professionalise' the curriculum and implement some significant curriculum changes. For some this may well require the recruitment of specialists, as practice elements (currently taught during the practical stage of training on Legal Practice Course (LPC)) will have to be included, for example the 'practice' aspects of Property, Business, Wills and Estates and Criminal Law, four of the proposed areas of functioning legal knowledge.

Law schools delivering a predominantly liberal and/or socio-legal curriculum who are considering adopting a SQE preparatory pathway, will have to take a view on whether there is still room for socio-legalism. Law schools teaching a more liberal curriculum however may well, according to Davies, resist the drift towards 'professionalisation' of their law degree and (what he describes as), more radical curriculum remodelling could see law degrees which pay little attention to the professional model and more fully embrace liberal, socio-legal or other theoretical models.<sup>22</sup> This may in turn promote the development of the kind of liberal arts style law degree promoted by Sarat, which invites students to explore law's complex relations to morality and politics as well as the way these relations get worked out in distinctive interpretive practices.<sup>23</sup> On the other hand, the dominance of neo-liberal discourses and their impact on the state and civil society according to Sommerlad, is visible too in the education sphere, accelerating the privatisation of legal education and threatening to reduce it to vocational training.<sup>24</sup> Sommerlad's views whilst expressed before the release of the SRA's draft Assessment Specification valuably contribute to the arguments around the English and Welsh law degree and the threat of its 'professionalisation'.

Stage 1 of the SQE, which is the LLB equivalent or the current academic stage of training, will nevertheless look very different. Gone, as previously mentioned, are the foundational subjects in their current form with EU Law being subsumed into Public and Administrative Law. The current core foundational elements of Public and Administrative Law, Trusts, Property, Criminal, Obligations (Contract and/or Tort) will remain and form the key areas of functioning legal knowledge, but there is much more of an emphasis on the practical application of legal theory. Introduced are Dispute Resolution, Business, Professional Conduct (Ethics), English

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<sup>21</sup> Webb et al., LETR, (n.10.) v. The reform background alluded to include the consequences of the implementation of provisions of the *Legal Aid Sentencing & Protection of Offenders Act 2012* or *LASPO*, which included proposals to incrementally withdraw legal aid for many areas of legal advice and assistance within civil justice and most notably private family law. The situation is currently no better and for evidence of the continuing struggle against access to justice by the executive, see the divisional court's decision in *Law Society v Lord Chancellor* [2018] EWHC 2094 (Admin), in which it declared the 2017 regulation on the issue of costs caps for discovery work on documents in criminal cases, invalid.

<sup>22</sup> Mark Davies 'Changes to the Training of English and Welsh Lawyers: Implications for the Future of University Law Schools' (2018) 52, *Law Teacher* 100, 124.

<sup>23</sup> Austin Sarat (ed.), *Law in the Liberal Arts* (Cornell University Press 2005) 9.

<sup>24</sup> Hilary Sommerlad, 'Lawyers, Legal Education and Nation Building: Lessons from Lawyers' Empire' (2017) 24 *International Journal of the Legal Profession* 50.

Legal System and the practice application in Business, Property and Criminal Law. These disciplines are not new to legal services education and training (LSET), they have always existed somewhere either at the academic or practical stage of English and Welsh legal education.

The introduction of Dispute Resolution (threaded through both stages) and Commercial and Corporate Practice are arguably commendable. The LETR recognised that from the student perspective, competition generally for recruitment to the legal profession is likely to remain fierce for the remainder of the decade. The review committee considered that for employers it is likely to remain a buyer's market in the short-to-medium term, at least for those in the larger firms and in chambers generally, though inter-professional competition for those traditionally perceived to be the 'best' candidates is likely to continue to be strong, particularly in the commercial sphere.<sup>25</sup> Nothing however was mentioned in the LETR about dispute resolution and, whilst the Report acknowledged the need for teaching ADR, there was merely token mention of this and by reference to the Bar training requirements in the context of advocacy.<sup>26</sup>

One of the remits of the LETR was to focus on "day one competence" of providers of legal services. It is surprising therefore that there was neither mention of dispute resolution or the need for lawyers of the future to understand the importance of providing advice and assistance to clients on a range of dispute resolution processes which are readily available. The author argued for the introduction of the teaching of dispute resolution within LSET in his 2016 published work in this journal, which now appears to be profoundly prophetic (and arguably influential). Consider this extract:

"It is therefore argued here that part of equipping future legal practitioners with the appropriate skills and knowledge for practice, is the embedding of commercial awareness and social justice elements within LSET which include sound knowledge and understanding of recognised approaches to dispute resolution."<sup>27</sup>

Let us for a moment consider the syllabus proposals in a positive light. One arguably positive introduction is the inclusion of Dispute Resolution, albeit as a component of either Contract and/or Tort at Stage 1. Although it is perhaps strange that it does not appear as an exclusive or discreet subject, after all, the resolution of disputes is pervasive as disputes can arise in all of the Stage 1 assessment areas. This is nevertheless the one significant material syllabus change. Never before has dispute resolution merited consideration as a stand-alone subject by the regulators within LSET. Now the SRA consider this subject worthy of taking centre stage by including it in both training stages. If there is to be criticism here, it is the fact that there could perhaps be more of an emphasis on alternative dispute resolution (ADR) and not simply the requirement to evaluate the best dispute resolution options in the interests of the client, demonstrating an understanding of the differences between litigation, mediation and arbitration.<sup>28</sup> This will require a good understanding of the dispute resolution continuum and a clear appreciation of the respective merits of each process.<sup>29</sup> Nevertheless, the introduction

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<sup>25</sup> Webb et al., LETR, (n 10) 111.

<sup>26</sup> Recommendation 13 of LETR on the Bar Professional Training Course (for intending barristers), Resolution of Disputes out of Court should be reviewed to place greater practical emphasis on the skills required by Alternative Dispute Resolution, particularly with regard to mediation advocacy. See Webb et al., LETR (n 10) 289.

<sup>27</sup> B. Waters, "The Importance of Teaching Dispute Resolution in a Twenty-First-Century Law School" *Law Teacher*, (2017) 51 (2) p. 243.

<sup>28</sup> Solicitors Qualifying Examination, Draft Assessment Specification (n 8) 22.

<sup>29</sup> See: Shirley Shipman, Ben Waters, William Wood and Henry Brown (Eds.), *Brown & Marriott's ADR Principles & Practice*, 4th Edition, (Sweet & Maxwell 2018).

of Dispute Resolution into the syllabus is a start and no doubt the SRA, after further consultation once the changes have been introduced and established, will revisit the curriculum and modify it based on needs and requirements.

If implemented in their current form, the changes will arguably provide an opening to teach law with a socio-legal approach as well as a doctrinally. This may well be possible in some areas, and Sanders describes this as being important to students learning;

“The socio-legal approach to legal education is one way of saying that students should do subjects that are about ‘law’ as well as subjects that are ‘law’, and one way of looking critically at how law works.”<sup>30</sup>

In fact, whilst the regulator is very much leaving law schools to decide how to teach the syllabus, there is arguably a real opportunity to develop a law in context approach to the teaching of some, if not all, subjects both within the functional knowledge areas proposed at Stage 1 and particularly the practice contexts at Stage 2, of which students will be required to choose two (including Dispute Resolution). Whilst there may be scope for a socio-legal studies approach to a law degree, Ashford and Guth writing after publication of the LETR Report in 2013, were concerned about the implications for regulating the more liberal law degree, even if that regulation were considered to be ‘light touch’.<sup>31</sup> What particularly concerned them was the effect that such regulation might have on a liberal legal education, which these authors describe as one which does not focus on education for a particular purpose other than education itself.<sup>32</sup> Also beautifully described by Nussbaum, as being more specifically understood to be “education for education’s sake, equipping students for life and helping them to “call their minds their own.”<sup>33</sup>

The requirement for law students to complete a period of qualifying legal work experience in up to four different work environments including in pro bono organisations, must present a welcome opportunity for law schools with well-established legal advice clinics to provide (at least some of) this training requirement. Institutions currently delivering a four year law degree which integrates the LPC requirements, and who also provide clinical legal education through live legal advice clinics, will be well positioned to adapt to the new training regime.

### **What Type of Law Degree Then?**

Following the LETR in 2013, Twining expressed concern that as academics our collective responsibility for the health of legal education and training as a whole should include ensuring that an exclusive focus on LETR concerns should not skew other parts of the system, especially liberal education in law.<sup>34</sup> There is a danger that law degrees will become ‘professionalised’ if law schools choose to be ‘slaves’ to the SQE by designing and delivering a curriculum which is essentially Stage 1 preparatory. That could be narrow and detrimental for the arguments raised in favour of socio-legal and/or liberal legal education inclusion. It is the merits of the assessment areas being significantly examined by multiple choice and best answer questioning, which is controversial. It is highly questionable that some areas of the syllabus,

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<sup>30</sup> Sanders (n 4) 168.

<sup>31</sup> Guth and Ashford (n 3) 5.

<sup>32</sup> Ibid 6.

<sup>33</sup> Martha Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Harvard University Press 1997) 293, cited in Guth and Ashford (n 3) 7.

<sup>34</sup> William Twining, ‘LETR: The Role of Academics in Legal Education and Training: 10 Theses’ (2014) 48 *Law Teacher* 97.



by way of example legal ethics, could be properly examined simply by using this type of assessment.

Let us for a moment be optimistic about the forthcoming changes. For some progressive law schools, this could be a chance to create a law degree which has something for everyone, including aspiring barristers. So taking a more positive approach, law schools looking to reposition themselves, do not necessarily have to 'professionalise' the curriculum when re-validating their law degrees. A degree divided into modules of twenty credits providing eighteen modules to be taught over the three years of a degree could allow for creativity. The flavour of the current law degree model with the QLD subjects now becoming those of functioning legal knowledge (with EU law being taught within Public Law) and with the space vacated by EU law being filled by a Business Law module, could be retained. That then potentially leaves room for optional modules which could be the opportunity to introduce both the practice elements of the new functioning legal knowledge assessment areas, as well as abstractions of liberal legal education which some commentators and legal educationalists value so highly. Some law schools may choose to create two pathways running through the law degree; one for SQE preparation students and one for a more liberal or flexible legal education approach for those students not intending to qualify as solicitors.

Other law schools which have traditionally taught a more liberal curriculum may well decide not to change the way their law degree is delivered. For students studying at these law schools proposing to be admitted as solicitors, this will mean that they will have to find a postgraduate SQE provider to prepare them for the Stage 1 examination, some might describe these institutions as 'crammers'. This will require students in this situation to incur additional fees and further expense before going on to study for the Stage 2 examination.<sup>35</sup> Part of the rationale for the SRA taking the decision to change the training requirements was concern over the current cost of training. The SRA have yet to confirm what the fees associated with preparing for both stages of the SQE are likely to be.

## **Conclusion**

It is arguably apparent that the proposed legal education training changes for solicitors present an opportunity to the legal education sector to be creative and deliver a law degree curriculum which has the potential for broad appeal. This would include appealing to those undergraduate law students seeking a career in either branch of the legal profession, as well as to those intending to pursue careers elsewhere following graduation.

A pathway structure might be the answer for some law schools. One route providing SQE preparation for those aspiring legal practitioners, without over-professionalising the law degree and by making socio-legal elements available, more-so in optional modules, such as jurisprudence for instance. Whilst those law students not intending to practice law might follow a second, more educationally liberal pathway, and have more flexibility with how their law degree is constructed.

Whatever direction law schools choose to take in the development and delivery of their legal education, Twining neatly summed up the argument for inclusion of a socio-legally aware curriculum, in comments he made in response to LETR;

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<sup>35</sup> Davies (n 22) 121.

“In a time of tremendous and rapid upheaval for the legal profession, one would think that understanding the nature, history, structure, changes and problems of the profession one aspires to enter is very relevant to career choices and other decisions by intending lawyers as well as to practitioners who wish to understand the bigger picture.”<sup>36</sup>

The argument therefore is that in preparing law students who want to become legal practitioners for ‘day one competence’, as well as acquiring discipline and subject specific knowledge which is what their future clients will require, it is equally important that those students gain sound awareness of what their future professional environment will be, which include elements to which Twining alludes.

As long as the QAA Benchmark Standards are satisfied and quality is maintained, the proposed changes could be liberating for law schools due to ‘light touch’ regulation, as it gives them flexibility in the way that the law degree can be taught. But at the same time trying to appeal to a wider student audience is challenging and potentially constraining; in constructing an ‘all encompassing’ law degree, how will the legal education curriculum designers fit it all in?

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<sup>36</sup> Twining (n 34) 103.